IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 984 OF 2005

Amol Pandurang Ahire .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri Naveen Chomal for the Applicant.
Shri D.R. More, APP for Respondent - State.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 21, 2005

PC :-

1. This is the third application for bail filed by the present applicant. The first was rejected by Justice Bhosale on 25th August, 2004, after considering merits. The second application was filed, which was heard by me on 25th October, 2004. All contentions on merits were raised before me. As I indicated my mind that I was inclined to dismiss the application, the counsel appearing for the applicant volunteered that the applicant be permitted to withdraw the said bail application unconditionally. On that request, without recording reasons, the application came to be rejected by me.

2. Mere change of advocate can be no change of circumstance. Shri Chomal contends that he will be able to persuade the court that there is good case on merits and certain aspects have not been considered nor properly argued before this court in the past. The applicant cannot be permitted to file successive applications by changing advocate. In this peculiar circumstance, I see no basis for entertaining this third application. The same is rejected.

3. The case is pending for trial before the Sessions Court, Kalyan since 2003. As the bail application is rejected, the District Judge, Thane is directed to assign the case to the fast track court, if already not done, to ensure early disposal of the trial.

4. The Application is disposed of in the above terms.

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